Understanding school exclusion

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January 2023

CTE Inclusion Conference, University of Warwick

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In this session we will:

1. Explain the formal school exclusion process and duties of different stakeholders
2. Outline the current rates of suspension and permanent exclusion in schools and what might lie below these surface level figures
3. Highlight the consequences of formal and informal exclusion
4. Present preliminary findings from two ESRC funded research projects to explore the contextual factors that may affect school exclusion processes and practices
5. Reflect on the implications of these findings for developing inclusive practices in schools

The school exclusion process

Two types of formal exclusion

1. Suspension: where a pupil is temporarily removed from school (the period of time lost to suspension can total no more than 45 days in one school year)

2. Permanent exclusion: where a pupil is prohibited from returning to the school and they are removed from the school register (Department for Education 2022).

The decision to exclude

The current statutory guidance states that 'the decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; **and**

- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.' (Department for Education 2022a: pages 13; bold added)

Considerations

- 'Only the headteacher of a school can suspend or permanently exclude a pupil on **disciplinary grounds**.' (Department for Education 2022a:11; bold added)
- Principles of administrative law
  - The head teacher must have regard to their duties under the Equality Act 2010, Children and Families Act 2014, the SEND Code of Practice 2015 and Keeping Children Safe in Education 2022.
- Civil standard of proof
- 'Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so.' (Department for Education 2022a:11)
- '… the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred' (Department for Education 2022a:12)

Stakeholder duties and rights

- 'Schools should adopt a range of initial intervention strategies to help pupils manage their behaviour and to reduce the likelihood of suspension and permanent exclusion.' (Department for Education 2022b:28)
  - 'An assessment of whether appropriate provision is in place to support any SEND that a pupil may have.' (Department for Education 2022b:28)
  - 'A multi-agency assessment such as an early help assessment or statutory assessment that goes beyond the pupil's educational needs.' (Department for Education 2022b:28)
  - An off-site direction
  - A managed move
- 'Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.' (Department for Education 2022a:19-20)
- 'Where a pupil has a social worker, e.g., because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.' (Department for Education 2022a:24)
- 'Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible.' (Department for Education 2022a:24)

Stakeholder duties and rights

Following a permanent exclusion:

- '...the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place' (Department for Education 2022:32)

  - 'In the case of a looked-after child or child with a social worker, the school and the local authority should work together to arrange alternative provision from the first day following the suspension or permanent exclusion.' (Department for Education 2022a:33)

- Governing boards have a duty to review the the headteacher's decision to exclude.

- Parents have a right to an Independent Review Panel (IRP) hearing.

- In cases where there is an allegation of discrimination, parents may bring a claim under the Equality Act 2010 to the First-tier Tribunal (disability related) or the County Court (other types of discrimination).

- Excluded pupils should 'be enabled and encouraged to participate at all stages of the exclusion process' (Department for Education 2022:9)

Off-rolling

- 'Any exclusion of a pupil, even for short periods, must be formally recorded. It would... be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting... If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'.' (Department for Education 2022a:15)

- Cooling off periods

- Forced Elective Home Education

School exclusion figures

Most recent figures

- There were 7,894 (rate 0.10) permanent exclusions in 2018/19. In 2019/20 this number dropped to 5,057 (rate 0.06). The rate of suspensions also decreased from 438,000 (rate 5.36) to 310,000 (rate 3.76).

However, the 2019/20 school year was interrupted by the first national Corona Virus lockdown…

  - Looking at Autumn term only (pre-pandemic): 'there were 3,200 permanent exclusions in 2019/20 (up 5% from 2018/19) and there were 178,400 suspensions (up 14%)' (Department for Education 2021)

- In 2020/21 permanent exclusions dropped further to 3,928 (0.05) but suspensions rose slightly to 352,454 (4.25) (Department for Education 2022a)

Like the previous year, this academic year was affected by the COVID-19 pandemic…

- 'In autumn term 2021/22, there were 2,100 permanent exclusions. This is an increase compared to 1,700 in the previous autumn term, but remains lower than pre-pandemic levels.' (Department for Education 2022b)

- Persistent disruptive behaviour is the most common reason for both permanent exclusions and suspensions. (Department for Education 2022b)

Geographical variation and over-representation

- Within and between local geographic variation

- Disproportionate over-representation of certain groups of pupils

Jack and Jill are in the same class at secondary school. Jack is Black Caribbean and has SEN assessed at School Action Plus. He lives in a low-income household and receives free school meals. Jill is White, British, does not have SEN and lives in a more affluent household. Jack is 168 times more likely to be permanently excluded from school before the age of 16 and 41 times more likely to be excluded on a fixed-term basis.

Source: Office of the Children's Commissioner, *They Go the Extra Mile*, p.13

A Quantitative Longitudinal Analysis of Exclusions from English Secondary Schools shows that children currently and previously in Local Authority care also experience high numbers of exclusions (an issue not identified in published statistics). 'Being a boy, entitled to FSM, living in a deprived neighbourhood, being in Local Authority Care, having low attainment in national tests (particularly in English) at the end of primary school and poor attendance in Y7 are all associated with substantial increase in the risks of Permanent Exclusion' (Strand and Fletcher 2014:30)

- Excluded children are the most vulnerable: twice as likely to be in the care of the state, four times more likely to have grown up in poverty, seven times more likely to have a special educational need and 10 times more likely to suffer recognised mental health problems (Gill et al. 2017:7).

Tip of the iceberg

As well as the growth in formal exclusions, there is concern over the use of 'off the record, informal or under the radar exclusions' (Children's Commissioner 2013:4), unexplained exits (Hutchinson and Crenna-Jennings 2019) and off-rolling (Rowe et al. 2019)

Children missing education

| LGA Children missing education (Parish, Bryant and Swords 2020)	How many children are not attending their school full-time	How many children in EHE are not receiving formal full-time education	How many children in AP are not receiving formal full time education	Impact on total number of children missing formal full time education
Minimum	60,000 Half a year or more	16,000 50% of uplift in EHE numbers since 2014-15	2,000 5% of those in AP	208,000
Medium	124,000 A term or more	24,000 75% of uplift	4,000 10% of those in AP	282,000
Maximum	965,000	32,000	11,000	**1,138,000**

Consequences of school exclusion

Individual and societal consequences

- Violent crime (Hudek 2018a, 2018b; Perera 2020)

- Child criminal exploitation including county-lines drug running (The Children's Society 2019; Temple 2020)

- Poor academic outcomes, often due to the quality of education pupils subsequently receive in Alternative Provision (Chowdry et al. 2009; Gill et al. 2017; Timpson 2019)

- Becoming NEET (not in education, employment or training; Timpson 2019)

- Mental health difficulties (Parker et al. 2015)
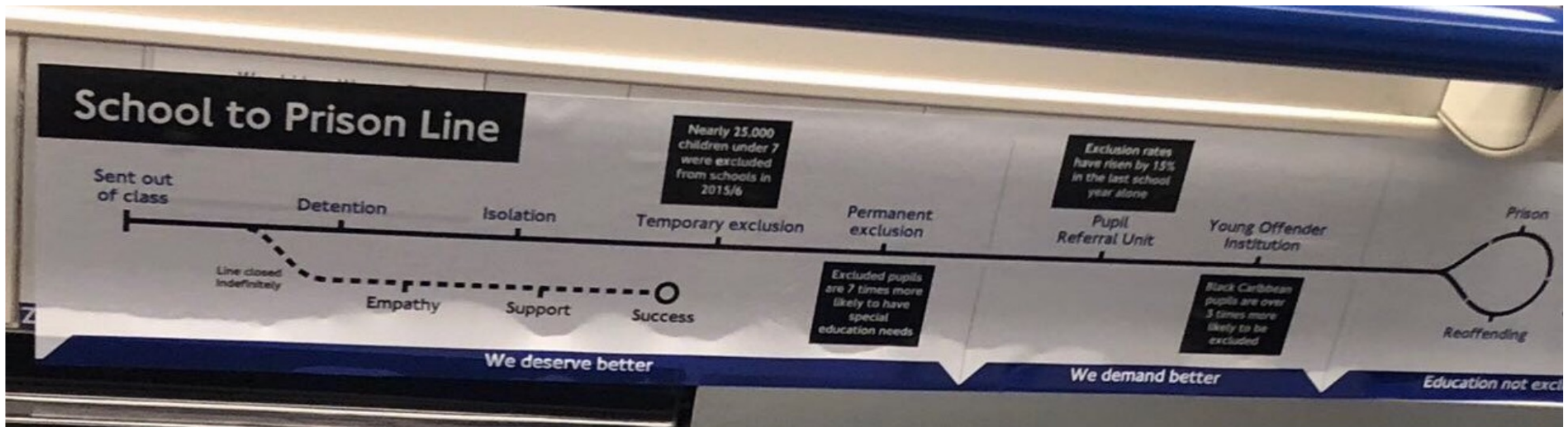
(Parker 2018)

Current research

Enacting national school exclusion policy at the local level in England (Alice Tawell ESRC funded DPhil Study)

Aim: to understand how national school exclusion policy is interpreted, translated, recontextualised and enacted at the local level in and across different activity settings in one local authority in England.

Design: Embedded single-case study.

Methods:

- Observations in different activity settings (including local authority meetings, an action group on reducing exclusion, In Year Fair Access Panels, one GDC, one IRP, and two schools);

- Semi-structured interviews with practitioners from the various embedded units;

- Document and policy analysis.

How schools do school exclusion policy

1. Is it black and white?

- On the one hand a number of the interviewees felt that the statutory guidance (2017) provided *"real clarity"* in terms of the headteacher's right to exclude, and the legal requirements around school exclusion that schools had to *"conform to"* and *"abide by"*, as well as the roles and responsibilities of different stakeholders.

- On the other hand the statutory guidance was seen to lack detail and be open to interpretation.

a. *You have to see shades of grey*

- Zero tolerance versus contextualised approaches

- Taking into account other responsibilities

"On occasions we've also because of the home situation not excluded, because of, morally that's the right thing to do, that then leads to difficult conversations with staff, and you have to try and then unpick that in a discrete way without sharing what we can't share with them, but so they then also then feel supported as well." (Teacher 6)

How schools do school exclusion policy

2. *'Where you stand depends on where you sit'* (Maguire et al. 2015, 490)

a.   *'Situated context'*
- *Where a school is on their improvement journey*

   "...the thing that leads schools to a permanent exclusion is what's going on in the makeup of the school in the first place as to kind of where your tolerance level for all of these things sits." (Teacher 17)

b. *'Professional context'*
- *Leadership and school ethos*
- *Understandings of behaviour and locus of responsibility*
- Purpose of exclusion

c. *'Material context'*

d. *'External context'* (Braun et al. 2011, 588)

How schools do school exclusion policy

(Tawell in press)

3. Contradictions, perverse incentives, unintended consequences and trade offs

- Balancing harms
- Marketisation and accountability pressures
- The impact of targets
- Cost-benefit analyses
- Pressures not to use alternative measures

a. *Grey exclusions: Best interests of the school or best interests of the child?*

How schools do school exclusion policy

(Tawell in press)

In conclusion…

- It's not black and white

- Need to 'take context seriously' (Ball et al. 2012, 19)

- Different contextual factors weave together in complex assemblages to inform a school's approach to school exclusion

- '[I]nformal, less visible and undocumented policy practices' were seen to sit alongside 'official enactments' (Maguire et al. 2015, 487)

Excluded Lives

The political economies of school exclusion and their consequences

Overarching aim: To undertake a home-international comparison to understand the contextual and institutional processes that lead to different types of school exclusion (official and 'hidden') and the consequences for excluded young people, their families, schools and other professionals across the UK.

Strand A: Landscapes of exclusion
Strand B: Experiences of exclusion
Strand C: Analysis of financial costs and integration of findings

https://excludedlives.education.ox.ac.uk/home/

School Exclusion Risks after COVID-19

Excluded Lives: Harry Daniels, Ian Thompson, Jill Porter, Alice Tawell and Hilary Emery
Department of Education, University of Oxford
June 2020

Policy conversations and recommendations:

"There are the wrong incentives for the wrong targets"

"Schools have other short term priorities. There needs to be a sea change in attitudes of some of the teaching profession. If they are on zero tolerance mode, then the child presents a problem. So a long term objective must be to change hearts and minds, change the culture of the school."

"We need to start building fences along the top of the cliff rather than parking ambulances at the bottom"

We need to get the balance right.
(Tawell et al. 2020: pages 4, 10 and 18; Emery et al. 2020)

Excluded Lives Emerging Findings: Policy enactment in practices of exclusion in England

- Education controlled by central UK government
- Headteacher's 'right to exclude'- importance of school culture
- Behaviour - not relationships
- Performativity v inclusion
- Perverse incentives and SEMH student exclusions (Thompson, Tawell and Daniels, 2022)
- Long term mental health effects of exclusion (Madia et al. 2022)
- Lack of meeting need with provision
- Covid: attendance, trauma, mental health, elective home education
- Importance of inter-professional learning

Developing inclusive practices in schools

Inclusion/Exclusion as a complex issue for ITE

- Contested nature of concepts of inclusion and exclusion and what constitutes inclusive pedagogy

- The varied placement contexts experienced by preservice teachers

- Hidden nature of exclusion in schools and difficulties in raising issues in placements of what constitutes informal or unlawful forms of exclusion

- Lack of time to address complex issues in ITE curricula

Things you can do:

Play your part in providing a strong universal offer

Work collaboratively to meet the needs of your students

Get to know your students and build positive relationships

Notice, ask, listen, understand and act

Know what resources are available and how to access them

Seek additional CPD opportunities and training

Thank you

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